

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Eva Ackerman and Randy Gene Clark

Serial No.: 09/764,572

Filed: January 18, 2001

For: Faceplate with Fire Retardant  
Material for an Electrical Box

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Atty. Dkt. No.: 041443-00752

Group Art Unit: 1714

Examiner: Patel, Dhirubhai R.

CERTIFICATE OF FAX UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being sent  
via facsimile to the phone number indicated by the  
Examining Group, that being (703) 305-3431, to the  
attention of the above named Examiner.

8/12/02 *D. Brit Nelson*  
Date: D. Brit Nelson

DECLARATION OF MR. RANDY GENE CLARK  
UNDER 37 CFR § 1.132

I, Randy Gene Clark, a resident of Harris County, Texas do hereby declare and state:

1. I am over the age of 21, of good mind, and capable of making this declaration, and personally acquainted with the facts herein. Each of the facts stated herein are true and correct of my own personal knowledge and any beliefs expressed are based on my acquaintance with those facts.

2. I have worked with fire protection for the last 18 years. I have worked with as a technical services manager, a consultant, a distributor, a regional sales manager, and other positions. I have been an active member in many trade organizations related to fire protection, fire ratings, and other fire issues, including National Fire Protection Association (NFPA), Southern Building Code Congress International (SBCCI), International Conference of Building Officials (ICBO), Building Officials and Code Administrators International (BOCA), Construction Specifications Institute (CSI). In the recent past, I was President (two terms) for

the International Firestop Council (IFC). I was appointed by Underwriter's Laboratory (UL) to be a member of their Industry Advisory Conference (IAC). I also participate in E-05, Fire Standards, and E-06, Performance of Buildings, subcommittees of the American Society for Testing and Materials (ASTM).

3. In the industry, there has long been established a triad of fire protection. Those with ordinary skill in the art separate fire protection measures into this triad, which include the separate categories of detection, compartmentalization, and suppression. Detection is achieved by fire detectors, sensors and other detection measures.

4. Compartmentalization is achieved by the erection of barriers such as walls to separate areas of occupancy. Various National Model Building Codes, including BOCA, ICBO, SCCI, and IBC, require specific barriers to have a fire rating. A fire rating is a specific term of art for materials to withstand a fire for a specific time and for a specific temperature. A fire rating varies and is dependent on several factors, such as thickness of the barrier, square footage of the contained room or area, occupancy, proximity to explosive materials, and so forth. It is required by the Codes to reestablish the fire rating of the barrier that has been breached, for example, where the breach was caused by inserting electrical boxes and other equipment into the barrier for insurance liability and other purposes.

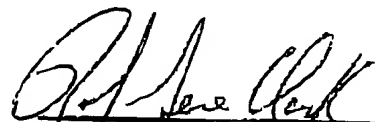
5. Suppression is achieved by extinguishing the fire once it has started. Suppression requires a fire to suppress.

4. Establishing and reestablishing the fire rating of a barrier are considered independent of suppressing a fire.

5. The cited reference to *Rose* discloses the suppression of a fire inside of an electrical box. I base that conclusion upon the first paragraph in *Rose* which states: "The present invention relates generally to the suppression of fires in electrical boxes and more particularly to the use of an intumescent material to suppress fires within an electrical box."

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2 Aug 2002

  
Randy Gene Clark